

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6861 of 2021

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Bhagwan Mishra S/o Late Harish Chandra Mishra Resident of Village- Balha
(North), P.S.- Rajnagar, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land
Reforms Department, Government of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Sub-Divisional Officer (Sadar), Madhubani.
4. The Deputy Collector, Land Reforms (Sadar), Madhubani.
5. The Circle Officer, Rahika, District- Madhubani.
6. Amanullah Khan S/o late Bismillah Khan R/o Village- 47, Momin Tola,
Ward No. 9, P.O. and P.S. Madhubani, District- Madhubani.
7. Shakuntala Devi W/o Surya Narayan Pradhan, R/o Ward No. 16, Loha Patti,
P.S. and District- Madhubani
8. Pramila Devi W/o- Vishwanath Karak, R/o Ward No. 16, Loha Patti, P.S.
and District- Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kripa Nand Jha, Adv.
For the Respondent/s : Mr. Sajid Salim Khan, SC-25

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

Date : 26-04-2023

Heard learned counsel for the petitioner and learned
counsel for the State.

2. Interlocutory Application No. 03 of 2021 has been filed



seeking intervention in opposition of the writ petition.

3. It is the case of the intervenors that they have a vital interest in the instant proceedings, wherein, they are alleged to be encroachers. They are claiming to be in rightful possession of lands.

4. The writ petitioner has approached this Court by way of a Public Interest Litigation (PIL) seeking removal of encroachments from a public pond situated in Mouza- Chakdah, in Madhubani town.

5. Learned State Counsel has apprised this Court that the authorities specified under the Bihar Public Land Encroachment Act, 1956 (for brevity, the Act) have proceeded under the Act for removal of encroachments in-question. In the instant proceedings, it is submitted by learned State Counsel that final orders under Section 6(1) of the Act was passed by the Circle Officer, Rahika, Madhubani, in Encroachment Case No.4 of 2021-2022 for removal of encroachments. The encroachers, including the intervenors have filed an appeal under the Act against the order passed in Encroachment Case No. 4 of 2021-2022.

6. This Court would find that the issue now is, therefore, pending before the competent authority under the Act. The



remedy of appeal is being exhausted by the alleged encroachers,
and as such, this Court is not inclined to proceed further in these
parallel proceedings as a PIL.

- 7. The proceedings stands closed.
- 8. Accordingly, the writ petition is dismissed.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	
CAV DATE	
Uploading Date	02-05-2023
Transmission Date	

